

### **REMARKS/ARGUMENTS**

This is a reply to the above-noted divisional application in response to Notice of Non-Compliant Amendment of August 3, 2004 and the Office Action of March 8, 2004.

Reconsideration of the application is requested in view of the amendments made in the claims and the statements appearing below herein.

Claims 1 – 13, 15 – 16, 20 – 69 have been canceled herein.

New claims 70, 71, 72 and 73 have been added herein.

Claims 70 – 73 remain in the application for consideration.

1. An objection has been made to the drawings as failing to comply with 37 C.F.R. § 1.84(p)(5). Applicants have made a proposed drawing correction to Fig. 3B which is shown in red on the attached copy of Fig. 3B. The proposed correction inserts the reference numeral 82 to indicate the light-emitting surface of the color filter layer as is described in the specification.

It is believed that the proposed change places the drawings in compliance with 37 C.F.R. § 1.84(p)(5) and approval of the proposed correction is requested.

2. Claims 12, 15 and 16 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,339,291 (“Codama”) and claim 13 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Codama in view of U.S. Patent 6,208,083 (“Suzuki et al.”).

Claims 12, 13, 15, 16, 20 and 21 have been canceled by this amendment. New claims 70 – 73 have been added to the application.

Claim 70 includes the subject matter originally present in claims 12 and 20. Claim 70 is drawn to an apparatus for exposing a photosensitive material and includes, in combination with other recitations,

wherein said distance between the planar light emitting surface of the substrate and the light receiving surface of photosensitive material, the distance between the

light receiving surface of said substrate and the light emitting surface of said substrate, said spacing between centers of the color filters, and said characteristic surface dimension of the color filters are jointly selected so that, at a given pixel area, said pixel area corresponding to a given color filter element in a given color filter array, the exposure of said photosensitive material due to the light intensity from the elements of the given array which are adjacent to said given color filter element and from said given color filter element, is optimized.

Neither Codama nor Suzuki et al. disclose or suggest the apparatus recited in claim 70.

New claims 71 - 73 are dependent upon claim 70 and are patentably distinguishable over the references for the same reasons discussed above.

3. Claims 12, 13, 15, 16, 20 and 21 have been rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 7 - 11 of U.S. Patent 6,525,758.

Enclosed is a Terminal Disclaimer executed on behalf of applicants' assignee which is effective to overcome this ground of rejection. Reconsideration of this ground of rejection and withdrawal thereof are respectfully requested.

In summary, it has been shown that claims 70 - 73 are in condition for allowance and such further action is respectfully requested.

Respectfully submitted,



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Application Serial No. 10/616,197

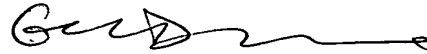
Response to Notice of Non-Compliant Amendment dated 08/09/04

Reply to Notice of Non-Compliant Amendment of 08/03/04

**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: August 9, 2004



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